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December 19, 2023

The Honorable Pamela K. Chen  
United States District Court, Eastern District of New York  
225 Camden Plaza East  
Brooklyn, NY 11201  
Courtroom: 4F  
Chambers: N631

**Re: Mario E. Castro v. NewRez LLC D.B.A Shellpoint, et al.**  
**Case No. 2:22-cv-06340-PKC-JMW**

Dear Judge Chen:

We represent defendants The Bank of New York Mellon, Inc. (**BoNYM**) and NewRez LLC d/b/a Shellpoint Mortgage Servicing (**Shellpoint**) in the above captioned matter. Pursuant to the Court's December 18, 2023 Docket Order, we write to advise the Court that undesigned counsel has not been served by Plaintiff with his opposition papers to BoNYM and Shellpoint's Motion to dismiss, which was served on November 9, 2023.

In Plaintiff's motion for extension of time, Mr. Castro claims he received the cover letter but not the opening brief documents. BoNYM and Shellpoint are re-serving defendants opening motion to dismiss today with an updated cover letter which shall be promptly filed on ECF upon reservice. BoNYM and Shellpoint do not object to Mr. Castro's request to extend his deadline to respond to the motion to dismiss, but request the Court only extend Mr. Castro's deadline to 30-days following today's date, in lieu of the 90 days requested in Mr. Castro's motion.

Kindly review this submission and advise if further information is needed from BoNYM and Shellpoint.

Sincerely,

/s/Aliza Pescovitz Malouf  
Partner